

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND EDWARD STEELE,)	
)	2:03-cv-00143-GEB-CKD
Petitioner,)	
)	
v.)	<u>ORDER</u> *
)	
JOHN STOKES, Acting Warden of)	
California State Prison at San)	
Quentin,)	
)	
Respondent.)	
_____)	

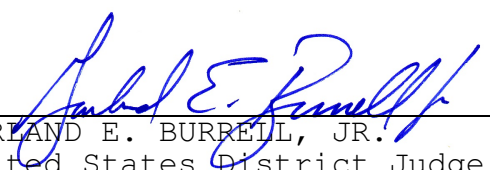
Respondent filed a motion to reconsider "this Court's November 10, 201[0] order (Doc. 164) adopting the findings and recommendations of the Magistrate Judge regarding the adequacy of California's procedural defaults imposed against petitioner in this case." (Mot. 1:8-10.) In his opposition brief, Petitioner states: there "seems to be appropriate grounds for referring the matter back to the Magistrate Judge for supplemental briefing in light of the new Supreme Court case[, Walker v. Martin, 562 U.S. ----, 131 S.Ct. 1120 (2011)]. If the Court construes respondent's motion as a request to refer the matter back to the Magistrate Judge, petitioner does not oppose the request." (Opp'n 2:12-15.)

In light of Petitioner's statement and the recent Supreme

* This matter is deemed suitable for decision without oral argument. E.D. Cal. R. 230(g).

1 Court decision, the portion of the November 10, 2010 order adopting the
2 Magistrate Judge's findings and recommendations on "procedural default"
3 is vacated. (ECF No. 164 2:3-4; ECF No. 151 5:16-34:20.) This case is
4 referred back to the Magistrate Judge for further consideration and
5 findings and recommendations on the "procedural default" issue, in light
6 of Walker.

7 Dated: November 30, 2011

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11 GARLAND E. BURRELL, JR.
12 United States District Judge
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